

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16939 OF 2024
WITH
INTERIM APPLICATION 14924 OF 2024

Raakesh Rajendrakumar Agarwaal

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

Mr. Sadashiv Deshmukh, Senior Advocate a/w. Mr. Kishor Patil, Mr. Amol Mhatre and Ms. Sonal Dabholkar for the Petitioner.

Mr. V. G. Badgujar, AGP for the Respondent-State.

Ms. Swati Sagvekar for Respondent Nos.2 to 5.

CORAM : M. S. KARNIK AND

S. M. MODAK, JJ.

DATED : 16th MARCH, 2026.

P.C. :

1. Heard learned counsel for the petitioner.
2. We request Ms. Sagvekar, learned counsel to appear for respondent Nos.2 and 3-Vasai-Virar City Municipal Corporation.
3. Ms. Sagvekar, learned counsel appears for the respondent-Corporation and requests some time.
4. Considering the request made by the learned counsel for the respondent-Corporation, it may not be necessary for the respondents to file a reply. We have heard learned counsel for the respondent-Corporation.
5. Mr. Deshmukh, learned Senior Advocate invited our attention to the notice dated 11th September, 2024 addressed on behalf of the petitioner to

the Commissioner and other concerned officers of the Vasai-Virar City Municipal Corporation. The grievance is with regard to the illegal construction in Survey No.35/6 village Gokhiware, Taluka-Vasai, District-Palghar. For the reasons stated in the notice, one such reason being that the constructions have been made without leaving the mandatory open spaces for the petitioner's land and also that there is large scale unauthorised construction going on in the land bearing Survey No.35/6 and in the disputed land bearing Survey No.35/14, action has to be taken against such illegalities. The petitioner to make a comprehensive representation to Assistant Commissioner, Division 'G' Ward, Waliv, Vasai (E) within a period of two weeks from today, setting out all the details and particulars regarding the unauthorised constructions and the requirement of mandatory open spaces.

6. On the representation so made, if satisfied after briefly hearing the petitioner that there is substance in the allegations made by the petitioner, respondent No.4 to issue appropriate notice to the concerned responsible for the unauthorised constructions and proceed to take action in accordance with law expeditiously and obviously after hearing the parties.

7. The Writ Petition as well as Interim Application are disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)